IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 9216 of 1994

Between:

S.Ram Reddy, S/o. Ananth Reddy, 40 years,
Occ: Agriculture,R/o. Tulekalan (Vg), Ibrahimpatnam (M),
R.R.Dist.

..... PETITIONER

AND

1. State of A.P. Rep: the Joint Collector, R.R.Dist,
   Khairatabad, Hyderabad.

2. R.D.O. Hyderabad East Division , Hyderabad.

3. M.R.O.Ibrahimpatnam, R.R.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records pertaining to the order dt.5-3-1994 passed in file No. D4/9079/ 90 by the Joint collector R.R.dist. from his office and may be pleased to quash the same by issuing a direction or writ more particularly one in the nature of Writ of Certiorari.

Counsel for the Petitioner: MS.A.PULLA REDDY & ABHISHEK REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

O R D E R:

Heard both sides.

2. In this writ petition the petitioners herein, by way of writ of Mandamus, seek to assail the proceedings No.D4/9079/90 dated 05.03.1994 whereunder the respondents herein, in exercise of powers under Section 166(B) of Land Revenue Act, sought to cancel the assignment on the ground that it is an assigned land.

3. The main grievance of the petitioners is that in fact it is not an assigned land, but it is a land which has been given in lieu of other land as part of exchange and therefore, the question of cancellation of any assignment, more so, applying the provisions of Section 166(B) of the said Act, does not arise nor the grounds which are available for cancellation of assignment have been made applicable to the facts of the case.

4. Initially, the first respondent, herein rejecting the claim of the petitioners, cancelled the assignment. Sri A.Pulla Reddy, learned counsel for the petitioners submits that having regard to the fact the land is not an assigned land under the Revenue Rules, but having been given in exchange, the question of cancellation does not arise.

5. The learned Government pleader for respondents sought to deny the same and also sought to support the findings of the first respondent in the impugned order.

6. After hearing the counsel on either side and also on perusal of material on record, this Court called for the original assignment granted in favour of the petitioners herein so as to verify whether the said assignment is under the Revenue Rules or is an exchange as contended by the petitioners. The learned Government Pleader has produced the

said record. It is evident from the record that patta, which has been granted to the petitioners is only in exchange of the other land, but not an assigned land under Revenue Rules. Therefore, the entire report, on which the first respondent sought to proceed, is wholly baseless and he could not exercise any powers as such under Section 166(B) of the Act nor there can be any sort of cancellation treating the said land as assigned land. On perusal of the said certificate, it is to be held that the petitioners are holding the said land in their own right in pursuance of the exchange made with other land and not as assigned land.

7. The writ petition is, accordingly, allowed. The impugned orders are set aside.

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B.PRAKASH RAO,J.

Date: 16th September 2004.
BSB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Thursday the 16th day of September, Two thousand and four.

REGISTRAR

// TRUE COPY //

SECTION OFFICER

To
1. The Joint Collector, R.R.Dist,
   Khairatabad, State of A.P. Hyderabad.
2. R.D.O. Hyderabad East Division , Hyderabad.
3. M.R.O.Ibrahimpatnam, R.R.Dist.
4. Two CCs to the Government Pleader for Revenue, High Court Buildings,
   Hyderabad (OUT).
5. Two CD copies.